**TRANSMITTAL OF APPEAL BRIEF (Large Entity)**Docket No.  
ITL.0071US P6171

In Re Application Of: Mannan A. Mohammed et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/216,489	12/18/98	Justin P. Misleh	21906	2612	

Invention: Using Atomic Commands With An Imaging Device To Prevent The Transmission Of Interleaved Sets of Commands

COMMISSIONER FOR PATENTS:

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on August 2, 2004

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- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
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Signature

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Dated: August 27, 2004

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AT / JGW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicants:	Mannan A. Mohammed, et al.	§	Art Unit:	2612
		§		
Serial No.:	09/216,489	§		
		§	Examiner:	Justin P. Misleh
Filed:	December 18, 1998	§		
		§		
Title:	Using Atomic Commands	§	Docket No.	ITL.0071US
	With An Imaging Device To	§		(P6171)
	Prevent The Transmission Of	§		
	Interleaved Sets Of	§		
	Commands	§		

Mail Stop Appeal Brief - Patents  
Commissioner For Patents  
P.O. Box 1450  
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APPEAL BRIEF

Dear Sir:

Applicant hereby appeals from the Final Rejection dated May 5, 2004, finally  
rejecting claims 29-48.

I. REAL PARTY IN INTEREST

The real party in interest is Intel Corporation, the assignee of the present application  
by virtue of the assignment recorded at Reel/Frame 9843/0293.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

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Date of Deposit: August 27, 2004  
I hereby certify under 37 CFR 1.8(a) that this correspondence is  
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Janice Munoz

### III. STATUS OF THE CLAIMS

The application was originally filed with claims 1-28. Claims 29-52 were added during prosecution, and claims 1-28 and 49-52 have been canceled. Claims 29-48 have been finally rejected and are the subject of this appeal.

### IV. STATUS OF AMENDMENTS

An Amendment is being submitted concurrently herewith to correct a typographical error in claims 35 and 45. It is assumed for purposes of this Appeal that the Amendment will be entered. There are no other unentered amendments.

### V. SUMMARY OF THE INVENTION

Referring to Fig. 5, an embodiment 40 of a digital imaging system in accordance with the invention includes a multi-mode digital camera 42 that is capable of capturing a video image (when in a video mode) and a still image (when in a still mode). Using its modes, the camera 42 is capable of performing camera tasks (tasks of taking still images and tasks of taking video images, as examples) that are controlled by a computer 44. In this manner, ring three application programs 46 (a still image capture program 46a and a video image capture program 46b, as examples) may be executed by the computer 44 in an interleaved fashion and cause the computer 44 to generate command sequences to control respective tasks that are performed by the camera 42. To ensure that the camera 42 receives one command sequence in its entirety before receiving commands of another command sequence (in one embodiment), the computer 44 may package commands 45 (see Fig. 11) for each camera task into an atomic command packet 48. For purposes of transmission, the command packet 48 is

indivisible and thus, commands for other sequences are not transmitted by the computer 44 during transmission of the command packet 48. In this manner, each command packet 48 includes all of the commands 45 for a particular camera task, and the computer 44 transmits one command packet 48 at a time to the camera 42. As a result of this packaging, the camera 42 may process all of the commands 45 of a single camera task before processing commands 45 of another camera task. Specification, pp. 4-5.

In this context, the term “task” may refer generally to the functions performed by the camera 42 to set up the camera 42, to capture an image, and to deliver the frame indicative of the captured image to the computer 44. The camera 42 may perform each of these functions in response to one or more commands 45 that are received from the computer 44. Specification, p. 5.

As an example, referring to Figs. 6, 7 and 8, the program 46a may cause the computer 44 to generate a command sequence 62 (for a particular camera task) over a time interval 65 that overlaps another time interval 66 in which the program 46b causes the computer 44 to generate another command sequence 63 (for another camera task). Instead of transmitting commands for both sequences 62 and 63 to the camera 42 in an interleaved fashion, the computer 44 packages, or atomizes, the commands 45 for respective tasks into indivisible atomic command packets 48a and 48b and transmits the command packets 48a and 48b to the camera 42 over non-overlapping time intervals 68 and 70. Specification, pp. 5-6.

The advantages of packaging the commands for a particular task into a command packet may include one or more of the following: full capabilities of dual mode imaging hardware may be utilized; image streaming and still image capture of an imaging device may be accommodated; programs may alternatively use a camera to capture both video and still

images; and multiple still image capture programs may be simultaneously used.

Specification, p. 6.

In some embodiments of the invention, the program 46 may cause the computer 44 to atomize, or form, a command packet 48 for the commands 45 (of a particular camera task) that are generated by the execution of that program 46. In this manner, instead of causing the computer 44 to provide the commands 45 one at a time (as the commands 45 are generated) to a ring zero, application driver program 49 (which furnishes the commands to a serial bus 41 (see Fig. 5) that couples the camera 42 to the computer 44), the program 46 may alternatively cause the computer 44 to store or “cache” the commands 45 until all of the commands 45 for the particular camera task have been generated, as described below. Specification, p. 6.

For the embodiments where the program 46 atomizes the command packet 48, the application program 46 may not be cognizant of other applications that are also atomizing command packets 48. As a result, for these embodiments, the driver program 49 may perform the final step of atomization of a particular command packet 48 by ensuring that one command packet 48 for a particular application is transmitted in its entirety (in some embodiments) before another command packet (from another application program, for example) is transmitted. Referring to Fig. 9, in this manner, for the generation of commands for a particular camera task, the program 46 may cause the computer 44 to receive (block 50) an input from a user that may, for example, instruct the computer 44 to provide a new aperture setting for the camera 42. In response to this input, the computer 44 may then form (block 52) a command 45 (a set aperture command, for example) from the input and add (block 53) the newly formed command 45 to the command packet 48 that is associated with the particular task. Specification, p. 6.

The computer 44 may then determine (diamond 56) whether the command 45 is an action command, such as a command that instructs the camera 42 to, as examples, capture a frame of a video image, capture a frame of a still image, or deliver a frame indicative of a previously captured still image to the computer 44. If so, the command packet 48 is complete, and the computer 44 transmits (block 58) the command packet 48 to the camera 42 and returns to block 50. Otherwise, the computer 44 returns to block 50 without transmitting the command packet 48 to the camera 42. Specification, p. 7.

Thus, the program 46 may cause the computer 44 to accumulate the commands 45 (to form the associated command packet 48) for a particular camera task until all of the commands 45 for the task have been generated. Once the command packet 48 is complete, the computer 44 transmits the command packet 48 to the camera 42. The driver program 49 causes the computer 44 to transmit each command packet 48 in its entirety to the camera 42. As a result, the commands 45 for different tasks are not received in an interleaved fashion by the camera 42. Specification, p. 7.

In some embodiments, the application program 46 does not participate in the atomization of the command packets 48. Instead, the driver program 49 may be replaced by another driver program 51 (see Fig. 10) which receives the commands 45 generated by the application programs 46 and packages the commands 45 into the command packets 48. In this manner, the driver program 51 may cause the computer 44 to receive (block 60) a command 45 from a ring three application program 46. The command 45 might be, for example, a command to set an exposure time for the camera 42. The computer 44 may then add (block 62) the command 45 to a current command packet 48 that is associated with the application program 46. The computer 44 then determines (diamond 64) whether the

command 45 is an action command. The determination of whether the command 45 is an action command may include determining whether the associated application program is a still image capture program or a video image capture program. If the command 45 is a main action command, then the command packet 48 is complete, and the computer 44 transmits (block 66) the command packet 48 to the camera 42 and returns to block 60. Otherwise, the computer 44 returns to block 60 without transmitting the command packet 48. Specification, pp. 7-8.

Thus, the driver program 51 may cause the computer 44 to simultaneously build different command packets 48 for different programs 46. As the command packets 48 are completed, the driver program 51 causes the computer 44 to transmit each command packet 48 in its entirety to the camera 42. Specification, p. 8.

An exemplary command packet 48 is shown in Fig. 11. The command packet 48 may have, as examples, an aperture command 45a (to set the aperture of the camera 42), an exposure command 45b (to set the duration in which the camera 42 is exposed to an image), a flash command 45c (to turn on or off the flash of the camera 42), a quality command 45e (to set the quality of the captured image to either poor, good or best), an action command 66 (to inform the camera 42 whether to take a still or a video image) and a disposition command 45f (to set the transfer mode (bulk or isochronous transfer) across the serial bus 41). Specification, p. 8.

The computer 44 may be one of several different types of processor-based systems, such as a laptop computer or a desktop computer, as just a few examples. The term “processor” may refer to, as examples, one or more microcontroller(s) or microprocessor(s) (an X86 microprocessor, a Pentium microprocessor or an Advanced RISC Machine (ARM)

microprocessor), as just a few examples. In this manner, referring to Fig. 12, as an example, the computer 44 may include a processor 80 that, in some embodiments, may execute copies of the application programs 46 which are stored in a system memory 88, and in some embodiments, the processor 80 may execute a copy of the driver program 51. In these embodiments, all or a combination of the programs 46 and/or 51 may configure the processor 80 to generate a first set of commands for an imaging device (the camera 42, as an example) during a first time interval, the first set of commands being associated with a first task to be performed by the imaging device; generate a second set of commands for the imaging device during a second time interval that overlaps the first time interval, the second set of commands being associated with a second task to be performed by the imaging device; transmit the first set of commands to the imaging device during a third time interval; and transmit the second set of commands to the imaging device during a fourth time interval that does not overlap the third time interval. Specification, pp. 8-9.

The memory 88, the processor 80 and bridge/system controller circuitry 84 may all be coupled to a host bus 82. The circuitry 84 may also interface the host bus 82 to an input/output (I/O) expansion bus 99 which is coupled to an I/O controller 90 and a network interface card 92, as examples. The computer 44 may also have, as examples, a mouse 93, floppy disk drive 94 and/or a keyboard 95 that are coupled to the I/O controller 90. A drive interface 101 may also be coupled to the bus 99 and interface a hard disk drive 96 and a CD-ROM drive 100 to the bus 99. Specification, p. 9.



## VI. ISSUES

- A. **Can claims 29-34 and 36-38 be anticipated and claim 35 be rendered obvious when the cited reference fails to teach all limitations of independent claim 29?**
- B. **Can claims 39-44 and 46-48 be anticipated and claim 35 be rendered obvious when the cited reference fails to teach all limitations of independent 39?**
- C. **Can claim 35 be rendered obvious when the Examiner has failed to establish a *prima facie* case of obviousness?**
- D. **Can claim 45 be rendered obvious when the Examiner has failed to establish a *prima facie* case of obviousness?**

## VII. GROUPING OF THE CLAIMS

Claims 29-34 and 36-38 can be grouped together; claims 39-44 and 46-48 can be grouped together; and claims 35 and 45 are each separately patentable for the reasons set forth below. With this grouping, all claims of a particular group stand or fall together. Furthermore, regardless of the grouping set forth by the Examiner's rejections, the claims of each group set forth in this section stand alone with respect to the other groups. In other words, any claim of a particular group set forth in this section does not stand or fall together with any claim of any other group set forth in this section.

## VIII. ARGUMENT

All claims should be allowed over the cited references for the reasons set forth below.

- A. **Can claims 29-34 and 36-38 be anticipated and claim 35 be rendered obvious when the cited reference fails to teach all limitations of independent claim 29?**

The method of independent claim 29 includes accumulating commands that are generated by the execution of an application program. The commands include an action command to cause an imaging device to perform an action and at least one set up command to

set up the imaging device to perform the action. The method includes determining whether one of the commands generated by the execution of the application program is the action command. The method includes triggering transmission of all of the accumulated commands to the imaging device in response to the determination that one of the commands is the action command.

The Examiner rejects independent claim 29 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,646,677 (herein called "Noro"). Noro generally describes an imaging system, an embodiment of which is depicted in Fig. 5 of Noro. Referring to Fig. 5, Noro discloses a camera management device 12, a camera operation device 20 and a video camera 16.

Noro generally describes the generation of "simple" control commands and "normal" control commands. More specifically, Noro discloses that the camera operation device 20 may, in response to one of the buttons 61, 63, 65, 67, 69 or 71 (see Fig. 6) being depressed, generate a simple control command to change a pan/zoom/tilt angle of the camera 16. *See, for example*, Noro, 10:28-47. The same zoom/tilt/pan angle requests are communicated via the normal control command of Noro, as the "simple" and "normal" designations by Noro are generally the same except that when the camera management device 12 receives a control simple command, the device 12 suspends image transmission to the video camera 16. However, when the normal command is received, the image management device does not suspend transmission of imaging data to the video camera 16. Thus, this appears to be the distinguishing feature in Noro between the disclosed simple control command and the normal control command, i.e., whether or not the transmission of image data to the video camera 16 is suspended. *See, for example*, Noro, 11:12-26.

The method of independent claim 29 includes accumulating commands that are generated by the execution of an application program. These commands include an action command to cause to an imaging device to perform an action and at least one set up command to set up the imaging device to perform the action. Applicant submits that Noro fails to anticipate independent claim 29 for at least the reason that Noro fails to disclose the action command of claim 29. More specifically, claim 29 explicitly recites that the action command and the set up command are generated by the execution of an application program. In an attempt to show where Noro allegedly discloses these limitations, the Examiner contends that Noro's simple control command discloses set up and action commands. Final Office Action, 6.

In support of this contention, the Examiner contends that the simple control command somehow includes commands that move the camera from its current position to its preset position. However, contrary to the Examiner's contentions, Noro is explicit that the simple and normal control commands (that include basically the same set of pan/zoom/tilt requests) are generated by the camera operation device 20, and the actual control of the camera 16 to instruct the camera 16 to take an action as a picture, for example, is performed by the camera management device 12. The camera management device 12 and the camera operation device 20 are separate entities. Therefore, although software of the camera operation device 20 may arguably generate setup commands, any action command relating to taking an action set up by the set up command is generated by the camera management device 12 itself. Thus, there is no teaching or suggestion in Noro regarding generating commands by an application program including at least one set up command and at least one action command, as Noro at best arguably teaches two separate entities executing two separate programs to generate set up and

action commands. Therefore, for at least this reason, Noro fails to anticipate independent claim 29.

Noro fails to anticipate independent claim 29 for at least the additional, independent reason that there is no teaching or suggestion in Noro regarding triggering transmission of all of the accumulated commands to an imaging device in response to the determination that one of the commands is an action command. The Examiner contends that camera operation device 20 performs such triggering. However, as set forth above, there is no teaching or suggestion in Noro that an action command is generated by the camera operation device 20. Without such a generation, there can be no triggering of transmission of accumulated commands that include an action command to an imaging device. Furthermore, the Examiner relies on Fig. 9 of Noro, a figure showing operation of the camera operation device 20, to allegedly teach the triggering of claim 29. However, this figure fails to show triggering transmission of accumulated action and set up commands to an imaging device *in response to* the determination that one of the commands is the action command. (*emphasis added*). Therefore, for at least this additional, independent reason, Noro fails to anticipate independent claim 29.

Claims 30-38 are patentable for at least the reason that these claims depend from an allowable claim.

Thus, for at least the reasons that are set forth above, the §§ 102 and 103 rejections of claims 29-38 are in error and should be reversed.

**B. Can claims 39-44 and 46-48 be anticipated and claim 35 be rendered obvious when the cited reference fails to teach all limitations of independent 39?**

The article of independent claim 39 includes a storage medium that stores instructions to cause a processor-based system to accumulate commands that are generated by the execution of an application program. The commands include an action command to cause an imaging device to perform an action at least one set up command to set up the imaging device to perform the action. The instructions cause the processor-based system to determine whether one of the commands generated by the execution of the application program is the action command and trigger transmission of all of the accumulated commands to the imaging device in response to the determination that one of the commands is the action command.

The Examiner rejects independent claim 39 under 35 U.S.C. § 102(e) in view of Noro. However, Noro fails to teach an action command and thus, fails to teach instructions to cause a processor-based system to accumulate commands. Furthermore, Noro fails to teach the triggering of transmission of accumulated commands (that include an action command and a set up command) to an imaging device *in response to* the determination that one of the commands is the action command (*emphasis added*). Although the Examiner relies on Fig. 9 for this teaching, neither this figure nor any other part of Noro discloses such triggering in response to a determination that a command is an action command. Thus, for at least this additional, independent reason, Noro fails to disclose all of the limitations of independent claim 39 and thus, fails to anticipate this claim.

Claims 40-48 are patentable for at least the reason that these claims depend from an allowable claim.

Therefore, for at least the reasons that are set forth above, the §§ 102 and 103 rejections of claims 39-48 are in error and should be reversed.

**C. Can claim 35 be rendered obvious when the Examiner has failed to establish a *prima facie* case of obviousness?**

The method of claim 35 depends from independent claim 29 and recites that at least one set up command includes a command to instruct the imaging device to set an exposure time of the device.

The Examiner rejects claim 35 under 35 U.S.C. § 103(a) in view of Noro. Claim 35 is patentable for at least the reason that this claim depends from an allowable claim for the reasons that are set forth above in the discussion of Issue A. Claim 35 is patentable for the additional, independent reason that Noro fails to teach or suggest the additional limitations that are presented by claim 35. The Examiner admits that Noro fails to teach or suggest these additional claim limitations. Final Office Action, 19. For at least this reason, a *prima facie* case of obviousness has not been set forth for claim 35, as "obviousness cannot be predicated on what is unknown." *In re Spormann*, 363 F.2d 444, 448, 150 USPQ 449, 452 (CCPA 1966). M.P.E.P. § 2143.

Therefore, for at least the reasons that are set forth above, the § 103 rejection of claim 35 is in error and should be reversed.

**D. Can claim 45 be rendered obvious when the Examiner has failed to establish a *prima facie* case of obviousness?**

The method of claim 45 depends from independent claim 39 and recites that at least one set up command includes a command to instruct the imaging device to set an exposure time of the device.

The Examiner rejects claim 35 under 35 U.S.C. § 103(a) in view of Noro. Claim 45 is patentable for at least the reason that this claim depends from an allowable claim for the

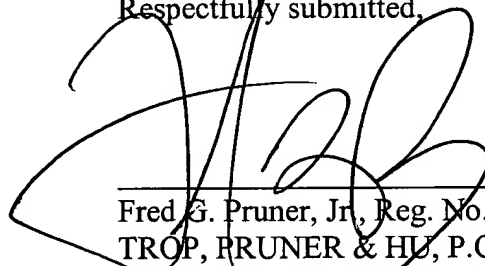
reasons set forth above in the discussion of Issue B. Claim 45 is also patentable for the additional, independent reason that Noro fails to teach or suggest a command to instruct the image device to set an exposure time. Thus, for at least this reason, a *prima facie* case of obviousness has not been set forth for claim 45.

Therefore, for at least the reasons that are set forth above, the § 103 rejection of claim 45 is in error and should be reversed.

#### IX. CONCLUSION

Applicant requests that each of the final rejections be reversed and that the claims subject to this appeal be allowed to issue.

Respectfully submitted,



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Date: August 27, 2004

## APPENDIX OF CLAIMS

The claims on appeal are:

29. A method comprising:

accumulating commands generated by the execution of an application program, the commands including an action command to cause an imaging device to perform an action and at least one set up command to set up the imaging device to perform the action;

determining whether one of the commands generated by the execution of the application program is said action command; and

triggering transmission of all of the accumulated commands to the imaging device in response to the determination that one of the commands is the action command.

30. The method of claim 29, further comprising:

responding to the determination by transmitting the accumulated commands to the imaging device during a time in which no other commands are transmitted to the imaging device.

31. The method of claim 29, wherein the imaging device comprises a digital camera, the method further comprising:

transmitting all of the accumulated commands to the digital camera over a serial bus in response to the determination that one of the commands is the action command.

32. The method of claim 29, wherein the action command comprises a command to instruct the imaging device to capture a frame of a video image.



33. The method of claim 29, wherein the action command comprises a command to instruct the imaging device to capture a frame of a still image.

34. The method of claim 29, wherein the action command comprises a command to instruct the imaging device to deliver a frame of a previously captured still image to a computer over a serial bus.

35. The method of claim 29, wherein said at least one set up command comprises a command to instruct the imaging device to set an exposure time of the device.

36. The method of claim 29, wherein the accumulating, triggering and determining occur in response to execution of a driver program for the imaging device, the driver program being separate from the application program.

37. The method of claim 29, wherein the application program comprises one of a still image capture program and a video image capture program.

38. The method of claim 29, further comprising:  
preventing any of the accumulated commands from being transmitted to the imaging device until the determination that one of the commands is the action command.

39. An article comprising a storage medium storing instructions to cause a processor-based system to:

accumulate commands generated by the execution of an application program, the commands including an action command to cause an imaging device to perform an action and at least one set up command to set up the imaging device to perform the action;

determine whether one of the commands generated by the execution of the application program is said action command; and

trigger transmission of all of the accumulated commands to the imaging device in response to the determination that one of the commands is the action command.

40. The article of claim 39, the storage medium storing instructions to cause the processor-based system to:

respond to the determination by transmitting the accumulated commands to the imaging device during a time in which no other commands are transmitted to the imaging device.

41. The article of claim 39, wherein the imaging device comprises a digital camera, the storage medium storing instructions to cause the processor-based system to:

transmit all of the accumulated commands to the digital camera over a serial bus in response to the determination that one of the commands is the action command.

42. The article of claim 39, wherein the action command comprises a command to instruct the imaging device to capture a frame of a video image.

43. The article of claim 39, wherein the action command comprises a command to instruct the imaging device to capture a frame of a still image.

44. The article of claim 39, wherein the action command comprises a command to instruct the imaging device to deliver a frame of a previously captured still image to a computer over a serial bus.

45. The article of claim 39, wherein said at least one set up command comprises a command to instruct the imaging device to set an exposure time of the device.

46. The article of claim 39, wherein the instructions to cause the processor-based system to accumulate, trigger and determine are part of a driver program for the imaging device, the driver program being separate from the application program.

47. The article of claim 39, wherein the application program comprises one of a still image capture program and a video image capture program.

48. The article of claim 39, the storage medium storing instructions to cause the processor-based system to prevent any of the accumulated commands from being transmitted to the imaging device until the determination that one of the commands is the action command.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

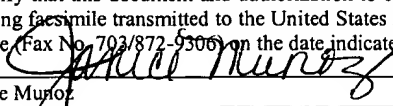
In re Applicants:	Mannan A. Mohammed, et al.	§	Art Unit:	2612
		§		
Serial No.:	09/216,489	§		
		§	Examiner:	Justin P. Misleh
Filed:	December 18, 1998	§		
		§		
Title:	Using Atomic Commands	§	Docket No.	ITL.0071US
	With An Imaging Device To	§		(P6171)
	Prevent The Transmission Of	§		
	Interleaved Sets Of	§		
	Commands	§		

Mail Stop -Amendment  
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P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT

Dear Sir:

Please amend the claims in accordance with the following CLAIM AMENDMENTS section; and consider the comments in the following REMARKS section.

Date of Deposit:	August 27, 2004
I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 703/872-9306) on the date indicated above.	
	
Janice Murfio	

## CLAIM AMENDMENTS

1.-28. (Cancelled)

29. (Previously Presented) A method comprising:

accumulating commands generated by the execution of an application program, the commands including an action command to cause an imaging device to perform an action and at least one set up command to set up the imaging device to perform the action;

determining whether one of the commands generated by the execution of the application program is said action command; and

triggering transmission of all of the accumulated commands to the imaging device in response to the determination that one of the commands is the action command.

30. (Previously Presented) The method of claim 29, further comprising:

responding to the determination by transmitting the accumulated commands to the imaging device during a time in which no other commands are transmitted to the imaging device.

31. (Previously Presented) The method of claim 29, wherein the imaging device comprises a digital camera, the method further comprising:

transmitting all of the accumulated commands to the digital camera over a serial bus in response to the determination that one of the commands is the action command.

32. (Previously Presented) The method of claim 29, wherein the action command comprises a command to instruct the imaging device to capture a frame of a video image.

33. (Previously Presented) The method of claim 29, wherein the action command comprises a command to instruct the imaging device to capture a frame of a still image.

34. (Previously Presented) The method of claim 29, wherein the action command comprises a command to instruct the imaging device to deliver a frame of a previously captured still image to a computer over a serial bus.

35. (Currently Amended) The method of claim 29, wherein set said at least one set up command comprises a command to instruct the imaging device to set an exposure time of the device.

36. (Previously Presented) The method of claim 29, wherein the accumulating, triggering and determining occur in response to execution of a driver program for the imaging device, the driver program being separate from the application program.

37. (Previously Presented) The method of claim 29, wherein the application program comprises one of a still image capture program and a video image capture program.

38. (Previously Presented) The method of claim 29, further comprising:  
preventing any of the accumulated commands from being transmitted to the imaging device until the determination that one of the commands is the action command.

39. (Previously Presented) An article comprising a storage medium storing instructions to cause a processor-based system to:  
accumulate commands generated by the execution of an application program, the commands including an action command to cause an imaging device to perform an action and at least one set up command to set up the imaging device to perform the action;  
determine whether one of the commands generated by the execution of the application program is said action command; and  
trigger transmission of all of the accumulated commands to the imaging device in response to the determination that one of the commands is the action command.

40. (Previously Presented) The article of claim 39, the storage medium storing instructions to cause the processor-based system to:

respond to the determination by transmitting the accumulated commands to the imaging device during a time in which no other commands are transmitted to the imaging device.

41. (Previously Presented) The article of claim 39, wherein the imaging device comprises a digital camera, the storage medium storing instructions to cause the processor-based system to:

transmit all of the accumulated commands to the digital camera over a serial bus in response to the determination that one of the commands is the action command.

42. (Previously Presented) The article of claim 39, wherein the action command comprises a command to instruct the imaging device to capture a frame of a video image.

43. (Previously Presented) The article of claim 39, wherein the action command comprises a command to instruct the imaging device to capture a frame of a still image.

44. (Previously Presented) The article of claim 39, wherein the action command comprises a command to instruct the imaging device to deliver a frame of a previously captured still image to a computer over a serial bus.

45. (Currently Amended) The article of claim 39, wherein ~~set~~ said at least one set up command comprises a command to instruct the imaging device to set an exposure time of the device.

46. (Previously Presented) The article of claim 39, wherein the instructions to cause the processor-based system to accumulate, trigger and determine are part of a driver program for the imaging device, the driver program being separate from the application program.

47. (Previously Presented) The article of claim 39, wherein the application program comprises one of a still image capture program and a video image capture program.

48. (Previously Presented) The article of claim 39, the storage medium storing instructions to cause the processor-based system to prevent any of the accumulated commands from being transmitted to the imaging device until the determination that one of the commands is the action command.

49.-52. (Cancelled)

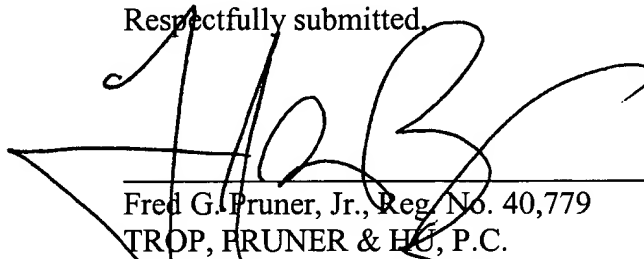


REMARKS

An amendment is being filed to correct typographical errors in claims 35 and 45. More specifically, the word "set" in each of these claims is being replaced with "said." Because the amendment corrects obvious typographical errors, it is assumed that the Amendment will be entered. No fee is believed due with the Amendment, as the Amendment is being filed within the two month window of time established by the filing of the Notice of Appeal. If, however, additional fees are required, the Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (ITL.0071US).

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Respectfully submitted,



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